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[G.C. §6103]

Attorneys for Defendant
DAVID COCHRAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND BRANCH

DENISE TAVARES,

CASE NO.: 4:20-cv-01704-HSG

Plaintiff,

**STIPULATION AND ORDER FOR
INDEPENDENT MEDICAL
EXAMINATION OF PLAINTIFF**

vs.

DAVID COCHRAN, in his official capacity
as a County of Alameda Sheriff Deputy, and
DOES 1-25, inclusive,

Ctrm: 2, 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr., Presiding

Defendants.

Date Action Filed: March 9, 2020
Trial Date: June 28, 2021

Plaintiff DENISE TAVARES (“Plaintiff”) and defendant DAVID COCHRAN
 (“Defendant”), agree and stipulate that Plaintiff shall submit to a physical examination with the
 following manner, conditions, and scope under Federal Rules of Civil Procedure, rule 35.

Physical Examination

1. The date, time and location of the physical examination will be December 10, 2020,
 1:30 p.m., at the offices of Dave Miles Atkins, M.D., 411 30th Street, Suite 402, Oakland, CA
 94609, (510) 486-8007.

2. The physical examination will be performed by Dave Miles Atkins, M.D. Attached
 to this stipulation as Exhibit A is a true and correct copy of Dr. Atkins’ Curriculum Vitae setting
 forth his qualifications and background.

1 3. The physical examination will be a two-part examination consisting of:

2 a. An interview in the doctor's office, consisting of a history of Plaintiff's claimed
3 injury and subsequent treatment for the claimed injury; and current subjective complaints.

4 b. A physical examination involving vitals being taken and examination of the
5 injured body parts in controversy including right fingers, hand, wrist, elbow and arm and
6 left fingers, hand, wrist, elbow and arm.

7 c. The examination will not include any diagnostic test or procedure that is painful,
8 protracted or intrusive.

9 4. The conditions and scope of the physical examination will be limited to the physical
10 injuries in controversy and consist of a two-part examination: an interview and physical
11 examination. The total duration of the examination will not exceed two (2) hours. The
12 examination will focus on Plaintiff's claimed injury and treatment for the claimed injury.

13 5. It is further stipulated that, following the examination, a copy of Dr. Atkin's report
14 related to the examination will be produced to Plaintiff's counsel as required by Federal Rules of
15 Civil Procedure, rule 35.

16 6 It is further stipulated that the Defendant will be responsible for paying the costs
17 associated with the examination. Attached to this stipulation as Exhibit B is a true and correct
18 copy of Dr. Atkin's fee schedule.

19 7. It is further stipulated that Plaintiff will be responsible for paying any associated no
20 show/late fees or cancelation fees incurred due to Plaintiff's failure to comply with Dr. Atkin's
21 cancelation policy as identified in his fee schedule. See Exhibit B.

22 8. It is further stipulated that if the examination is canceled for any reason Plaintiff's
23 counsel and Defendant's counsel agreed to work together promptly to reschedule the examination.

24 Dated: November 23, 2020

POINTER & BUELNA, LLP

LAWYERS FOR THE PEOPLE

26
27 By 

Patrick M. Buelna, Esq.
Counsel for Plaintiff

1 Dated: November 23, 2020

EDRINGTON, SCHIRMER & MURPHY LLP

2
3 By /s/ Timothy P. Murphy, Esq.

Timothy P. Murphy, Esq.

4 Attorney for Defendant

DAVID COCHRAN

5
6 **ORDER**


7 Pursuant to Stipulation of the parties as set forth above and good cause appearing, IT IS
8 ORDERED that:

9 1. Plaintiff shall appear for a physical examination on December 10, 2020, 1:30 p.m.,
10 at the offices of Dave Miles Atkin, M.D., 411 30th Street, Suite 402, Oakland, CA 94609, (510)
11 486-8007; and

12 2. The parties shall comply with the terms set forth in paragraphs 1 through 8, set forth
13 above.

14 **IT IS SO ORDERED.**

15 DATED: 11/24/2020

16 By: 
HON. HAYWOOD S. GILLIAM, JR.
17 United States District Court Judge

18
19 **ATTESTATION**

20 I hereby attest that I have obtained the concurrence of the other signatories to the filing
21 of this document.

22 By /s/ Timothy P. Murphy

23 Timothy P. Murphy, Esq.

24 Attorney for Defendant

DAVID COCHRAN